

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 MICHAEL WILLIAMS,) No. C 04-5069 MMC (PR)
9 Plaintiff,) **ORDER DENYING PLAINTIFF'S
10 v.) MOTIONS FOR ACCESS TO THE
11 J.S. WOODFORD, et al.,) LAW LIBRARY AND FOR FUNDS
12 Defendants.) FOR EXPERT WITNESS
13 _____) (Docket No. 31 & 34)**

14 Michael Williams, proceeding pro se and currently incarcerated in Pelican Bay State
15 Prison ("PBSP"), filed the above-titled civil rights action under 42 U.S.C. § 1983 against
16 various PBSP officials, alleging they caused him to be injured and to receive inadequate
17 medical care. The Court ordered the complaint served on various defendants. The complaint
18 was served, and defendants filed a motion to dismiss. Plaintiff filed an opposition, and
19 defendants have filed a reply.

20 On January 5, 2006, plaintiff filed a motion for "funds" to retain an expert witness
21 pursuant to Rule 706 of the Federal Rules of Evidence. Rule 706(a) does not authorize the
22 district court to provide plaintiff with funds for an expert witness or to appoint such a witness
23 on plaintiff's behalf; rather, it permits the appointment of a neutral expert to assist the Court,
24 where, e.g., the parties' have "warring experts." See In re High Fructose Corn Syrup
25 Antitrust Litigation, 295 F.3d 651, 665 (7th Cir. 2002). At present, the Court is not in need
26 of expert assistance. Should such a need arise in the future, the Court will order the parties to
27 show cause regarding such appointment *sua sponte*.

28 On March 17, 2006, plaintiff filed a motion in which he requests that the Court order

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1 prison officials to provide plaintiff access to the law library, to allow plaintiff to meet his
2 "deadline" of March 19, 2006. Plaintiff has no such deadline; he already has filed his
3 opposition to defendants' motion. Additionally, plaintiff states that prison officials have put
4 him on "cell study," under which prison officials bring plaintiff's requested legal materials to
5 him in his cell.¹ Although prison officials must ensure that prisoners "have a reasonably
6 adequate opportunity to file nonfrivolous legal claims challenging their convictions or
7 conditions of confinement," such officials are free to devise their own methods to reach that
8 result. See Lewis v. Casey, 518 U.S. 343, 352, 356 (1996) (stating right of access to courts
9 "guarantees no particular methodology" by which prison officials must confer capability to
10 pursue claims in court). Although plaintiff has a right to reasonable access to legal materials
11 to pursue this action, he does not have a right to view those materials in the SHU law library.
12 Prison officials shall, of course, provide plaintiff reasonable access to legal materials, as
13 required by Lewis and its progeny.

14 Accordingly, plaintiff's motions for access to the law library and for funds for an
15 expert witness are DENIED.

16 This order terminates Docket Nos. 31 and 34.

17 IT IS SO ORDERED.

18 DATED: March 30, 2006


19 MAXINE M. CHESNEY
20 United States District Judge

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27 ¹Plaintiff explains he is not allowed to go to the law library because on a previous
28 occasion, while en route to that facility, he violated prison rules by passing a periodical to
another inmate through a cell door.